



2005

ANNUAL REPORT

GARY Q. JORGENSEN, CHAIRMAN • (801) 538-1921 • www.usaav.utah.gov

DORA: Achieving Smarter Sentencing with Treatment for Drug Addicted Offenders

During 2005, the USAAV Council continued its role to coordinate efforts to pass the Drug Offender Reform Act. During the First Special Session of the 2005 Utah Legislature, Senate Bill 1004 – Drug Offender Reform Act Pilot Program was enacted. The bill created a three-year pilot study in the courts of the Third Judicial District located in Salt Lake County, and the USAAV Council was charged with overseeing and developing an implementation plan and guidelines for the study. The purpose of the study is to examine the impact of providing substance abuse screening, assessment, and treatment for felony drug offenders. The study, which began on July 1, 2005, will involve up to 250 Salt Lake County offenders over the three-year period (ends June 30, 2008), whose outcomes will be compared to a control group of offenders in Davis County. Offenders must be convicted after July 1, 2005, and must be assessed to be in need of substance abuse treatment.

The overall vision for the Drug Offender Reform Act is to improve Utah's response to offenders with drug addictions. It is anticipated that this will be accomplished in several ways. First, drug screening and assessment will occur prior to sentencing, which will provide the judge with specific information regarding the offender's substance abuse treatment and supervision needs. This will facilitate more appropriate placement of offenders with a drug addiction. Second, treatment and supervision will be adequately funded to ensure offenders requiring treatment are able to access services immediately after sentencing. Finally, coordination will occur between the treatment provider and the agency responsible for supervising the offender. By

keeping each other informed of the offender's progress, both in treatment and on supervision, a more comprehensive array of services and consequences can be provided for the offender, thus attaining better individual outcomes. For more information about DORA, the First Annual Report to the Utah Legislature for the DORA Pilot Program may be found on the CCJJ website at www.justice.utah.gov.

“Alcohol Restricted Driver” – A New Tool in Utah's Arsenal to Combat DUI

The 2005 Utah Legislature passed S.B. 42 – Alcohol Restricted Drivers, a priority bill for the USAAV Council that went into effect on July 1, 2005. Sponsored by Senator Carlene Walker, the bill targets repeat offenders by prohibiting anyone who has been convicted of one of the following offenses from driving with any amount of alcohol in their body: driving under the influence of alcohol or other drugs, alcohol or drug related reckless driving, per se (.08) arrest, automobile homicide, and refusal to submit to a chemical test. An individual's Alcohol Restricted Driver (ARD) status will remain in effect for the following timeframes, dependent upon the offense: two years for a first conviction for DUI or alcohol related reckless driving; two years for a per se arrest; five years for first arrest for refusal to submit to a chemical test; five years for a first conviction for DUI or alcohol related reckless driving if driver is 21 years of age or older or has a passenger in the vehicle who is under the age of 16; ten years for a second conviction for DUI or alcohol related reckless driving or a second arrest for refusal to submit to a chemical test within ten years of a first offense; and lifetime for felony DUI or automobile homicide. Violations of the ARD law will result in a one year revocation of the driving privilege. For more information about DUI in Utah, the Third Annual DUI Report to the Utah Legislature may be accessed on the CCJJ website at www.justice.utah.gov.

The Mission of the Utah Substance Abuse and Anti-Violence (USAAV) Coordinating Council is to provide a unified voice for the establishment of a comprehensive strategy to combat substance abuse, illegal drug activity, and violence. The Council's statutory duties (§63-25a-203 through 207) are to:

- Provide leadership and generate unity for Utah's ongoing efforts to combat substance abuse and community violence;
- Recommend and coordinate the creation, dissemination, and implementation of a statewide substance abuse and anti-violence policy;
- Facilitate planning for a balanced continuum of substance abuse and community violence prevention, treatment, and justice services;
- Promote collaboration and mutually beneficial public and private partnerships;
- Coordinate recommendations made by any committees created by the Council;
- Analyze and provide an objective assessment of all proposed legislation concerning alcohol and other drug issues and community violence issues;
- Coordinate the implementation of the Drug Offender Reform Act (DORA) Pilot Study in Salt Lake County; and
- Report recommendations annually to the Governor, Legislature, Commission on Criminal and Juvenile Justice, and Judicial Council.

2006 USAAV Legislative Priorities

The following proposed legislation to be addressed in the 2006 Legislative General Session has been endorsed by the USAAV Council:

S.B. 18 - Driving Under the Influence Amendments (C. Walker)

This bill targets repeat DUI offenders by creating an "interlock restricted driver" and prohibiting the driver from operating or being in actual physical control of a vehicle without an ignition interlock system. The bill also extends the sunset date on the use of pleas in abeyance in certain DUI cases to July 1, 2008.

S.B. 51 - Driving With a Controlled Substance in the Body - Amendments (C. Walker)

This bill makes driving with any amount of marijuana in the body and causing serious bodily injury or death a third degree felony.

S.B. 58 - Alcoholic Beverage Amendments – Eliminating Alcohol Sales to Youth (P. Knudson)

This bill seeks to reduce underage access to and use of alcoholic beverages. The bill provides for compliance checks in grocery and convenience stores to prevent the illegal sale of alcoholic beverages to underage youth, as well as a statewide media campaign to prevent underage drinking.

S.B. 19 - Amendments to Indoor Clean Air Act (M. Waddoups)

This bill expands the definition of "public place of access" in which smoking is prohibited to include: taverns, private clubs, buildings owned or operated by social or fraternal organizations, and certain workplaces.

H.B. 10 - Domestic Violence and Dating Violence Amendments (D. Litvack)

This bill provides for the issuance of protective orders between certain individuals who are, or have been, in a dating relationship, and for the provision of services to victims of dating violence.

H.B. 22 - Utah Child Abuse Prevention Board (P. Ray)

This bill creates the Utah Child Abuse Prevention Board and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and Board of Child and Family Services to the Utah Child Abuse Prevention Board created by the bill.

Appropriations

The USAAV Council also supports the appropriation of funding for years two and three of the DORA Pilot Program, as well as funding for the expansion of Drug Courts.

2005 USAAV Governor's Awards

Each year, the Utah Substance Abuse and Anti-Violence Coordinating Council honors individuals who have made outstanding contributions to Utah's substance abuse and violence initiatives. These individuals are selected to receive the USAAV Council's Annual Governor's Awards.

This year's award recipients were honored for their work with Utah's Drug Offender Reform Act or DORA, and included Susan Burke, Senator Chris Buttars, and Deborah Davidson. Susan Burke, Assistant Juvenile Court Administrator and former Director of the USAAV Council, was recognized for her "extraordinary leadership, tireless advocacy and exceptional skill in organizing the effort to enact the DORA Pilot Program"; Senator Buttars was honored for his "impassioned leadership and unyielding determination to ensure treatment for addicted offenders through enactment of DORA"; and Deborah Davidson, Supervisor for Region 3 Adult Probation and Parole, was recognized for her "outstanding leadership and dedication to the success of DORA, evident in her commitment to teamwork and profound understanding of what probationers and parolees need to succeed".

USAAV Oversight of Local Government Alcohol Funds

In compliance with the Utah Code, USAAV oversees the utilization of beer tax monies appropriated annually to Utah's municipalities and counties "for programs or projects related to prevention, treatment, detection, prosecution, and control of violations of [the Alcoholic Beverage Control Act] and other offenses in which alcohol is a contributing factor, [including] the confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a contributing factor". Municipalities and counties that receive \$1,000 or more are required to submit an annual report to the USAAV Council, and failure to submit a report by the October 1st deadline may result in withholding of funds. During FY 2005, municipalities and counties reported utilizing their alcohol funds as illustrated in the following table.

Use of Alcohol Funds in FY 2005	
DUI Law Enforcement	64%
General Alcohol-Related Law Enforcement	56%
Alcohol-Related Prosecution/Court Cases	14%
Treatment of Alcohol Problems	5%
Alcohol-Related Education/Prevention	46%
Confinement of Alcohol Law Offenders	8%

New USAAV Director

After three years of outstanding leadership as Director of the USAAV Council, and eleven years as state Anti-Violence Coordinator for the Commission on Criminal and Juvenile Justice, Susan Burke left CCJJ in 2005 to join the Administrative Office of the Courts as an Assistant Juvenile Court Administrator. During her service as USAAV Director, Susan was instrumental in the passage of the Drug Offender Reform Act Pilot Program, as well as legislation related to asset forfeiture reform, methamphetamine lab clean up requirements, and driving under the influence. Returning to CCJJ as the new USAAV Director in August of 2005, is Mary Lou Emerson. Ms. Emerson served as the USAAV Council's first coordinator, from 1990 when the Council was created until 2000. In 2000, Mary Lou left CCJJ to become Assistant Director for the Division of Substance Abuse at the Department of Human Services.

USAAV Council Members

<i>Dan Becker</i>	<i>Dr. Richard Melton</i>
<i>Senator Chris Buttars</i>	<i>Harold Morrill</i>
<i>Louis Callister</i>	<i>Mark Payne</i>
<i>Michele Christiansen</i>	<i>Paula Price</i>
<i>Commissioner Bill Cox</i>	<i>Terry Russo</i>
<i>Lt. Colonel Scott Duncan</i>	<i>Dale Schipaanboord</i>
<i>Fotu Katoa</i>	<i>Mayor JoAnn Seghini</i>
<i>Craig Harrison</i>	<i>Chief Paul Tittensor</i>
<i>Dr. Gary Jorgensen</i>	<i>Kirk Torgensen</i>
<i>Judge Michael Kwan</i>	<i>Sherm Watkins</i>
<i>Dr. Patti Harrington</i>	<i>Anna Kay Waddoups</i>
<i>Verne Larsen</i>	
<i>Dan Maldonado</i>	



UTAH SUBSTANCE ABUSE & ANTI-VIOLENCE COORDINATING COUNCIL

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